Dear FCC

This comment has two main points. The first is to debunk many statements made in the original petition. The second is to point out some previous statements the FCC has published regarding similar requests for band segmenting by special interest groups.

After rereading the original petition and several of the comments some obvious and some not so obvious conclusions can be drawn. The principal one is that a percentage of the operators that use CW want a portion of the 160 meter band to be set aside for CW operations and to disallow the use of Phone operations in that portion of the band below 1.843. Not the separation of wide and narrow bandwidth modes as the petition suggests. The original petition does request that Phone and image be restricted to use from 1.843 to 2.000mhz while at the same time suggesting that Phone emission types are wide bandwidth, which is misleading at best.

In the vast majority of the comments and the original petition it is constantly stressed that there needs to be a division between wide and narrow bandwidth transmissions. In the original petition one is led to believe that SSB phone is a wide band transmission and needs to be eliminated from a portion of the band for protection of CW users from interference by SSB Phone transmissions. Therefore they give the reasoning that other bands have a CW only portion. Maybe the FCC should look into eliminating CW only portions of the bands because some of the other modes of transmission are no wider than some CW transmissions or at least allow Phone/data transmissions that have the same bandwidth transmissions as the current CW designators to be used in CW only portions of the band.

As we all should know the FCC has written in past Orders that an interference free channel is unreasonable. The problem with the original petition asking for a separation of wide and narrow bandwidth modes IAW FCC rules and regulations in Part 97 is that CW and some phone operations can have the same bandwidth, such as CW modes A1A, C1A, H1A, J1A, R1A and Phone modes such as A1E, C1E, H1E, J1E, J1E. As long as these designators stay in effect then all comments about wide and narrow bandwidth modes in regards to CW and some Phone modes being different are not only incorrect, they are misleading (7). Such as the comment from from the original petition (1). Which states that CW signals occupy a bandwidth of mere hundreds of cycles depending on keying shape and speed, which can be true but it is a misleading statement at best. CW signals can and do have bandwidths of multiple khz. Legally CW signals can be, and often are, as wide as some phone signals. Therefore the original petition request for a separation of wide and narrow bandwidth modes has no merit and should be dismissed .

If the original petitioners had really wanted a separation of wide and narrow bandwidth modes then a definition should have been given which describes a wide and/or narrow bandwidth mode, other than their assertion that there is a difference between CW and Phone bandwidths. There can be a difference but they can also be of the same bandwidth. Therefore in my opinion, all mention of narrow and wide bandwidths is nothing more than a smoke screen by a special interest group that wants some sort of compensation for using CW. By my reasoning what the original petitioners really want to do is deny access of Phone/image operators to a portion of the band that the original petitioners feel

is or should be the private domain for CW operators.. Not the separation of wide and narrow bandwidth modes as the original petition suggests. As the FCC has stated in previous Orders (2)(3)(4) the interests of one group of licensees may not interfere with the interests of other licensees.

The petition mentions the ARRL's band plan and uses it as a basis for a lot of the petitioners arguments as to why the petition should be adopted. The FCC has in the past inferred that voluntary band plans can be regional and not necessarily national. The FCC has also taken the position in the past that when there is a conflict between different voluntary band plans, the parties involved with the issuance of voluntary band plans need to work out the differences between the band plans so as to alleviate interference complaints. To my knowledge the FCC has not given more or less weight to one voluntary band plan over another. Voluntary band plans can and have in the past changed, therefore while there is more than one voluntary band plan in effect at present there is no guarantee that the voluntary band plans will not change in the future. To my knowledge there are at least four different voluntary band plans for 160 meters, one by the ARRL and three by the IARU. All four of the 160 meter band plans are different. There may be more voluntary band plans; however, this is all I am aware of at present. If the petition is made into communication law then the amateur community will be denied its ability to self govern and decide among themselves what is the best utilization of the band. Witnessed by the quotation (5) from the original petition is that the ARRL or any other group that decides to take up voluntary band planning will not be able to do so if it is determined that the Phone/image portion of the band is to large/small and they want to decrease/increase its size.

Another statement (6) made in the original petition is misleading at best. The original petitions suggests that it is consistent with FCC thinking in that the FCC would want to make the original petitions request for a Phone/image sub band communication law. The FCC has ordered in the past (2)(3)(4) that the FCC would not be willing to make communications law that would effectively take away the privilege of the amateur community to self regulate.

If the petition is adopted any future changes that the ARRL or any other organization that deals with voluntary band plans might want in the future in regards to the 160 meter band could be severely restricted. If there are other Orders (2)(3)(4) that say differently I have not been able to find them so I am basing my reasoning on these particular Orders. Not on comments made by FCC officials in a public forum. In my opinion the comments made by FCC officials have been spun to reflect what the original petitioners want and not what is written in FCC Orders (2)(3)(4) in regards to special interest requests for band segmentation, interference expectations and voluntary band planning.

Another misleading statement (8). It is not consistent with current commission policy objectives when it states that amateurs thereafter should be well equipped to manage what remains. We are already well equipped to manage the whole band. We do not need to be restricted and the FCC has ordered (2)(3)(4) in the past that they want the amateur community to self regulate.

Another trend in the comments and the original petition suggests that

there is plenty of spectrum above 1.843 for phone users to go and not interfere with CW users. If that is the case then the petition is again without merit since the CW operators can also move up in frequency to find an interference free channel. Which would also effectively eliminate any potential interference that may occur below 1.843. By asking for a portion of the band to be set aside for Phone/image use, the petition is asking the FCC to grant a special interest group privileges. By the FCC's own Orders (2)(3)(4) in the past, the FCC would not be willing to do this.

More food for thought. What would Phone operators gain if this petition is granted. If as the petition states there will be more usage of the band in the future (as evidenced by their contest data), by shrinking the band by 43 kilohertz for Phone operators the chances of increased interference will happen, just exactly what the petition is requesting, relief from interference. Phone operators would not be able to work DX Phone operators that operate simplex below 1.843. Phone operators would be denied 43 kilohertz in which they could operate as they see fit IAW current FCC regulations. Phone operators would effectively be denied the right to change the voluntary band plan in the 43 kilohertz that is asking to be set aside. By allowing only 7 kilohertz below 1.850 then the probability that Phone users would interfere with each other while trying to work DX stations that do not have the right to operate above 1.850 is greatly enhanced. Which in and of itself could cause more FCC resources to be spent on enforcement issues than is presently occurring.

Finally the original petition has not conclusively documented as to why the Phone/image sub band should begin at 1.843. A lot variables and subjective emotions have been presented; however, no objective data or documentation to support this basis has been presented for this request.

Sincerely
John Godwin K5IUA

(1) The case for narrow band and wide band mode separation on 160 m becomes clearer
when one considers the bandwidths involved. CW signals occupy a bandwidth of mere
hundreds of cycles depending on keying shaping and speed. SSB and AM signals occupy
bandwidths of from 2-6 kHz (or more) respectively. The FCC has long recognized the fact
that narrow occupied bandwidth modes can easily be removed from wide occupied
bandwidth modes, while the inverse cannot.
(2) Adopted: November 29, 1999 Released: November 29, 1999
By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:
(3) REPORT AND ORDER
Adopted: August 31,1999 Released: September 3,1999
(4) Report and Order in WT Docket No. 97-12

(5) Given the rule making requested, the revised ARRL band plan can effectively
manage the narrow band operations that will remain from 1.800 - 1.843 MHz by

recommending generally accepted segments wherein such narrow band activities are to take place.

(6) It only seeks a separation of wide band and narrow band modes by an act of communications law which is something a voluntary band plan cannot effect. It is known that recent comments by the Commission in public forums (including the recent Dayton Hamvention) indicate a desire for amateurs to plan for the future space requirements of digital and newer modes that are emerging today. The revised ARRL 160 m Band plan which appears in the Appendices is thoroughly consistent with Commission thinking in this area and has provided space for digital communications from 1.800 - 1.810 MHz. It also provides space for experimental modes from 1.995 - 2.000 MHz and earmarks the region 1.999 - 2.000 MHz for beacons.

This request for rule making is thus thoroughly consistent and in lock-step with the provisions of the revised voluntary band plan which itself has been designed to be consistent with Commission thinking.

(7) TITLE 47-- CHAPTER I-- PART 2--Sec. 2.201 Emission, modulation, and transmission characteristics.

(8) C. Consistency with Current Commission Policy Objectives

The rule making requested is consistent with current Commission thinking which requires amateur consensus and limited self-regulation as policy objectives. While we have achieved reasonable consensus and have attempted self-regulation to the maximum extent possible, Commission assistance is desirable in this one specific area.

Rulemaking will establish the necessary "fences" that are needed and amateurs thereafter should be well-equipped to manage what remains.